

Snohomish County

SHERIFF'S OFFICE

Corrections Bureau

Prison Rape Elimination Act (PREA)

PREA POLICY

PURPOSE AND SCOPE

This policy provides guidance for the Snohomish County Sheriff's Office-Corrections Bureau to comply with the Prison Rape Elimination Act (PREA) of 2003 and to establish guidelines for the response and investigation(s) of all allegations of sexual abuse, harassment, and/or retaliation of inmate-on-inmate or staff-on-inmate acts of misconduct. Further, this policy establishes the enforcement efforts for the prevention, detection and response of such incidents for all staff, contract service employee's and/or volunteers of the Corrections Bureau in accordance with the PREA Standards Final Rule.

NON-DISCRIMINATION

The Snohomish County Sheriff's Office-Corrections Bureau adheres to enforcing the highest value of a non-discrimination environment for all staff, inmates, contract, and/or volunteer services employees. Any attempts to ridicule, abuse, harass, or act in any other demeaning manner of behavior toward a person on the basis of sex, age, race, national origin, disability, and actual or perceived sexual orientation and gender identity is unacceptable, non-tolerable, and subject to investigation and disciplinary attention. This explicitly prohibited activity is directly in conflict with providing a safe and healthy work environment for employees and staff, and to provide for a humane incarceration housing facility for inmates who will be treated with dignity and respect.

AUTHORITY

Prison Rape Elimination Act of 2003

28 C.F.R. Part 115 (May 17, 2012)

RCW 74.34.020(17) – ("Vulnerable Adults")

SCC 3A.12.060 – Sexual Harassment

SCSO Policy 7.02/120.00 – "Discriminating or Establishing Patterns of Discrimination in the Performance of Duties: Standard"

POLICY

I. ZERO TOLERANCE (115.11.a)

The Snohomish County Sheriff's Office has "Zero Tolerance" toward all forms of sexual harassment, sexual abuse, and custodial sexual misconduct towards all persons working or in the custody of this office.

1. The Sheriff's Office will achieve "Zero Tolerance" through the implementation of:

- a) Standardized definitions for prohibited behaviors and activities
- b) Administrative accountability
- c) Preventive personnel practices
- d) Inmate screening, classification, and housing practices
- e) Inmate education and information
- f) Limits on Cross-gender viewing
- g) Mandatory incident reporting
- h) Providing medical/mental health professional services
- i) Investigations of all alleged incidents
- j) Imposing disciplinary action on perpetrators
- k) Collection and review of incident data
- l) Routine facility PREA audits

II. DEFINITIONS

Definitions related to this policy include:

1. SEXUAL ABUSE

- a) **Inmate-on-Inmate** – Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident, includes any of the following acts regardless if the victim does or does not consent, is coerced into such act(s) by overt or implied threats of violence, or is unable to consent or refuse:
 - i. Contact between the penis and the vulva, or, the penis and the anus, including penetration, however slight;
 - ii. Contact between the mouth and the penis, vulva, or anus;
 - iii. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 - iv. Any other intentional touching, either directly or through the clothing of/or with the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
- b) **Staff-on-Inmate** - Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer, includes any of the following acts, with or without consent of the inmate, detainee, or resident:
 - i. Contact between the penis and the vulva, or, the penis and the anus, including penetration, however slight;
 - ii. Contact between the mouth and the penis, vulva, or anus;
 - iii. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

- iv. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties, or, where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- v. Any other intentional contact, either directly or through the clothing of/or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- vi. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (a)-(e) of this section;
- vii. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- viii. Voyeurism by a staff member, contractor, or volunteer. (Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body, or of an inmate performing bodily functions.)

2. SEXUAL HARASSMENT

- a) **Inmate** - Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another inmate, staff member, volunteer, or visitor.
- b) **Staff** - Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

3. GENDER IDENTITY

Gender identity is a person's internal, deeply felt sense of being male or female, distinct from his or her sexual orientation. Everyone has a gender identity and, for many, their gender identity is consistent with their assigned sex at birth and their physical anatomy. In some person(s) this may not be the case. (Ref. Section VII)

- a) "LGBTI" – Lesbian, Gay, Bisexual, Transgender, Intersex
- b) Transgender/Transsexual – A person who has a gender identity that is different from his/her assigned sex at birth.
- c) Intersex – People who are born with external genitalia, internal reproductive organs, chromosome patterns, and/or endocrine systems that do not fit typical definitions of male or female.

4. SUPERVISORS AND COMMAND STAFF

Supervisors and Command Staff shall include and consist of the following job titles:

- Classification Supervisor
- PREA Coordinator
- Sergeant
- Lieutenant
- Health Services Administrator
- Special Investigations Unit (SIU) Sergeant
- Captain
- Major (Corrections Bureau)
- Bureau Chief
- Undersheriff
- Sheriff

III. **ADMINISTRATION**

This section addresses the administrative implementation of this PREA policy and PREA Standards by the appropriate Snohomish County Sheriff's Office-Corrections Bureau staff. The Corrections Bureau Chief shall be accountable and responsible to oversee and ensure that jail operations adhere to the PREA Standards and that responsive and reporting actions are fulfilled by all staff, volunteers, and contractors.

1. **PREA Coordinator** (115.11.b) – The Sheriff or designee shall designate an upper-level manager with sufficient time and authority to develop, implement and oversee the efforts to comply with PREA standards in the Snohomish County Sheriff's Office. The PREA Coordinator's responsibilities include but are not limited to:
 - a) Developing and maintaining procedures to identify, monitor, and track sexual contacts, assaults, harassment, and misconduct to comply with the PREA Standards.
 - b) Conduct periodic and annual review audits of jail processes and procedures to ensure compliance of policies as they relate to PREA Standards.
 - c) Update PREA policies, processes, and procedures as required.
 - d) Ensure delivery of PREA training to applicable audiences and revise training material as required.
 - e) Collaborates and coordinates social services for PREA victims.
 - f) Ensure the proper collection, retention, analysis and destruction of records associated with claims of sexual abuse including incident reports, investigative reports, inmate information, case disposition, medical and counseling evaluation findings and recommendations for post-release treatment and/or counseling.
 - g) Compile records, maintain, complete, and report statistical data, and, file annual PREA audit jail documentation to the Federal Bureau of Justice or other Federal/State agency.
 - h) Notify the Snohomish County Corrections Bureau Chief of all allegations of sexual contact, assault, harassment, or misconduct. (115.13)
 - i) Coordinates and plans all Snohomish County Corrections Bureau activities relating to the elimination of sexual abuse.

2. Staffing Plans/Security Systems

- a) The Snohomish County Sheriff's Office Command Staff shall be responsible for developing a staffing plan that provides adequate levels of staffing and video monitoring for the Corrections Bureau facilities in order to protect inmates from sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, the following shall be considered:
 - i. Generally accepted detention and correctional practices
 - ii. Any judicial findings of inadequacy
 - iii. Any findings of inadequacy from Federal investigative agencies
 - iv. Any findings of inadequacy from internal or external oversight bodies
 - v. All components of the jail's physical plant, including "blind-spots" or areas where staff or inmates may be isolated
 - vi. Composition of inmate population
 - vii. The number and placement of supervisory staff
 - viii. Institution programs occurring on a particular shift
 - ix. Any/all applicable State or local laws, regulations, or standards
 - x. The prevalence of substantiated and unsubstantiated incidents of sexual abuse
 - xi. Any other relevant factors
- b) It shall be the responsibility of the Snohomish County Sheriff's Office Command Staff to ensure adequate documentation and justification for all deviations from the staffing plan.
- c) At least once per year and whenever necessary the Snohomish County Sheriff's Office Command Staff and the PREA Coordinator shall conduct a review to assess, determine, and document any needed adjustments to the staffing plan(s), the video monitoring systems and/or other monitoring technologies. The review shall also identify the resources the Snohomish County Sheriff's Office has available to commit to ensure adherence to the staffing plan.

3. Conducting "Unannounced Rounds" – Supervisors and Command Staff will conduct unannounced rounds in all housing units and other areas where staff supervise and have contact with inmates. (115.13.d)

- a) "Unannounced rounds" will be conducted on all shifts.
- b) "Unannounced rounds" will be documented in the module log(s).
- c) Staff are forbidden from alerting other staff of the "unannounced round" being conducted and occurring by the supervisor.

4. Cooperation with Community Sexual Assault Service Providers – (115.53(c))

The Snohomish County Sheriff's Office shall seek and attempt to enter into Memorandum(s) of Understanding (MOU's) with one or more community agencies that provide support services to sexual assault victims.

5. **Incident Reviews** - The PREA Coordinator and Command Staff including the Health Services Administrator, Nursing Supervisor, and the Lead Mental Health Professional shall conduct a PREA incident review no later than thirty (30) days following the conclusion of an investigation. The review will be to analyze applicable information contributing to the reported PREA incident. (115.86) The focus of the review will be to determine if there are corrective actions required to prevent future incidents. The review will consider at a minimum the following:

- a) Classification and Housing
- b) Imminent Risk Factor(s) for the victim
- c) Whether or not the incident was motivated by race, ethnicity, gang affiliation, or other group dynamics in the facility
- d) "LGBTI" gender identity
- e) Proper adherence to the PREA and jail operations policy, procedure, and processes by staff
- f) Adequacy of staffing levels in the area during different shifts
- g) Consideration of jail facility/housing modules troublesome physical barrier areas
- h) Review video monitoring technology capabilities
- i) Upgrade, change, and/or discontinuance of any daily operation activity

The "Incident Review Team" shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement, and submit the findings to the Snohomish County Corrections Bureau Chief. The Snohomish County Corrections Bureau Chief or his authorized designee shall implement the recommendations for improvement or shall completely and adequately document the reason(s) for not doing so.

6. **AUDITS** (In compliance with Section 115.401)

1. Scheduling of routine facility PREA audits

- a) **The Snohomish County Sheriff's Office – Corrections Bureau shall ensure that each of its facilities undergoes an audit** by a United States Department of Justice Certified PREA Auditor at least once every 3 years. At least one-third of its facilities shall be scheduled each year. The Corrections Bureau will ensure that the auditor is provided with required access to facilities, staff, inmates, documents and other information, including:
- i. All relevant agency-wide policies, procedures, reports, internal and external audits, and accreditations for each facility type.
 - i. A sampling of relevant documents and other records and information for the most recent one-year period.
 - ii. Access to and observation of all areas of the audited facilities.
 - iii. Copies of any relevant documents including electronically stored information.
 - iv. Interviews with a representative sample of inmates, residents, and detainees, and of staff, supervisors, and administrators.
 - v. A sampling of any available videotapes and other electronically available data that may be relevant to the provisions being audited.
 - vi. Private interviews with inmates, residents, and detainees.

- vii. Confidential information or correspondence from inmates, residents, and detainees in the same manner as if they were communicating with legal counsel.
 - viii. Contact information for communications with community-based or victim advocates who may have insight into relevant conditions in the facility.
 - ix. The right to retain and preserve all documentation (including, e.g., video tapes and interview notes) relied upon in making audit determinations.
- b) The Corrections Bureau will conduct spot audits and self audits in years when a Department of Justice audit is not scheduled. The purpose of these spot audits is to maintain the Corrections Bureau in an “audit ready” state at all times.**
- c) Selection of Auditors** – The Snohomish County Corrections Bureau shall select and enter into contract with qualified auditor(s) from the United States Department of Justice list of Certified Auditors. (115.402)
- i. Auditor(s) will be selected subject to Snohomish County purchasing rules.
 - ii. The auditor may not have received financial compensation from the Snohomish County during the three years preceding the audit, except if the compensation was received for conducting a previous PREA audit.
 - iii. Snohomish County may not employ, contract or financially compensate the auditor for any work for a three year period following the audit, except in the event the auditor is retained for a subsequent PREA audit.
- d) Corrective Actions (115.404)** – For any corrective action that must occur as recommended by the auditor’s report, the Snohomish County Sheriff’s Office shall be required to:
- i. Jointly develop a corrective action plan to achieve compliance with the auditor.
 - ii. Observe the 180-day corrective action period for a finding by the auditor of “Does Not Meet Standard” for any/all PREA Standard(s).
 - iii. Allow the auditor to take necessary and appropriate steps to verify implementation of the corrective action plan and/or re-inspecting portions of the facilities.
- e) Appeal** - The Snohomish County Sheriff’s Office may lodge an appeal with the Department of Justice regarding any specific audit finding that it believes to be incorrect within 90 days of the auditor’s final determination. If the Department of Justice determines that the Snohomish County Sheriff’s Office has stated good cause for a re-evaluation, the Snohomish County Sheriff’s Office may commission a re-audit by an auditor mutually agreed upon by the parties. The findings of the re-audit shall be considered final. (115.405)
- f) The auditor’s final report shall be made public by** posting on the Snohomish County Corrections Bureau website. (115.403)

IV. EMPLOYEES/STAFF/VOLUNTEERS/CONTRACTORS

All applicants, employees, staff, volunteer(s), and/or contract services personnel will be subject to a criminal record check and screening during recruitment, hiring, and promotion processes.

The Snohomish County Sheriff's Office shall ensure that criminal record background checks are conducted at least every five (5) years on all current active employees. (115.17.e)

1. **Hiring / Promotions –**

- a) All candidates applying for a position and/or for promotional advancement with the Snohomish County Sheriff's Office shall agree to a background/criminal records check before acceptance of the position. They shall be required to answer all inquiries, whether written or during the interview process, about previous sexual misconduct. Any background information obtained that identifies adjudication/conviction of any/all types of illegal sexual contact, abuse, and/or misconduct shall be a disqualifier from the employment or promotional opportunity. The Sheriff's Office shall also consider prior incidents of sexual harassment when making promotional and/or hiring decisions.
- b) The Snohomish County Sheriff's Office shall make a concentrated effort to contact prior institutional employer(s) regarding the candidate to inquire about substantiated allegations of sexual abuse or if there was a resignation during a pending investigation of an allegation of sexual abuse consistent with Federal, State and local law. (115.17.2)
- c) Discovery of incidents described above during the hiring/promotion process and not previously investigated will be subject to appropriate criminal and/or internal administrative investigation. Current employee(s) may be subject to investigation and disciplinary action up to and including termination of employment or the promotion opportunity, if the background records check information obtained has been omitted, not self-disclosed, or falsified by the candidate.
- d) The Snohomish County Sheriff's Office shall respond to inquiries from other institutional employers who request information pertaining to sustained findings of sexual abuse or sexual harassment for its current or former employees.

2. **Training –** All employees, staff, volunteer(s), and/or contract services personnel who may have contact with inmates shall complete PREA training prior to having or being allowed access into areas having any possible inmate contact.

- a) Staff and contractor services personnel training shall address the following components: (115.31)
 - i. The SCSO "Zero Tolerance" policy for sexual abuse, harassment, misconduct, discrimination, and retaliation.
 - ii. Their responsibility as it pertains to the prevention, detection, reporting and response to sexual abuse, harassment, misconduct, discrimination, and retaliation.
 - iii. Common reactions and signs of threats of sexual abuse, harassment, misconduct, discrimination and retaliation.
 - iv. The dynamics of sexual abuse/harassment in confinement settings, including which inmates are most vulnerable.
 - v. Inappropriate relationships with inmates.
 - vi. Effective, professional and respectful communications.
 - vii. Confidentiality; non-disclosure of "unannounced rounds" by a Supervisor.

- viii. Mandatory reporting of sexual abuse, harassment, misconduct, discrimination and retaliation.
 - b) The PREA training described in Section IV.2.a, is required upon employment and every two (2) years thereafter for all employees and contractors. Each employee must sign a PREA training “Acknowledgment of Completion and Understanding” form which will be retained in the employee’s training record.
 - c) Volunteer(s) who have contact with inmates shall receive a modified version of the staff PREA training, relative to the type of service the volunteer provides to inmates.
3. **Incident Reporting** – All employees, staff, volunteer(s), and/or contract services personnel are required to report any knowledge, suspicion, or information regarding an incident of sexual abuse, harassment, misconduct, discrimination, neglect, and/or retaliation to their direct Supervisor and/or chain-of-command, as soon as they have become knowledgeable of the incident.

V. BOOKING, CLASSIFICATION, HOUSING

During the booking and initial classification process, efforts will be made to identify and segregate youthful, juvenile and/or vulnerable adult inmates, and potential victims and known predators. The Classification Unit and Classification Committee will review (as needed), potential perpetrators and victims of sexual misconduct to ensure appropriate and safe housing. Housing will be assigned to avoid having known sexual predators assigned to modules and/or cells with identified potential sexual assault victims. Information regarding known victims and/or predators will be recorded in the inmate management system.

1. **Risk Screening of Inmates at Intake or Transfer** – Within 72 hours of being booked, a sexual violence, victim/perpetrator screening will be conducted to determine an inmates risk of being sexually abused by other inmates, or, if they are at risk for being sexually abusive toward other inmates. A re-assessment screening will be conducted within 30 days after booking and as necessary in response to alleged incident(s) of sexual abuse. Inmates may not be disciplined for refusing to answer screening questions. (115.41)
- a) The screening for potential victims shall include:
 - i. Whether the inmate has mental, physical, or developmental disabilities
 - ii. Age of the inmate
 - iii. Physical build of the inmate
 - iv. Previous incarceration(s)
 - v. Whether the inmate is or is perceived to be gay, lesbian, bi-sexual, transgender, intersex, or gender non-conforming
 - vi. Prior convictions for sex offenses against an adult or child
 - vii. Whether the inmate has previously experienced sexual victimization
 - viii. The inmate’s own perception of vulnerability
 - b) The screening for potential perpetrators will include:
 - i. Prior convictions for violent felonies

- ii. Prior convictions for sex offenses
- iii. Prior violent acts in custody
- iv. Prior incidents of sexual abuse in custody

2. **Housing, Safety & Program Assignment for Transgender or Intersex Inmates** – The Snohomish County Sheriff's Office - Corrections Bureau, Classification Unit shall use the information from the Risk Screening required (by Section V.1 above) to assist in determining housing, bed, work, education, and program assignments, per individual, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. A Transgender or Intersex inmate's own views with respect to his or her own safety shall be given serious consideration.

In determining housing and programming assignments for Transgender or Intersex inmates to male or female accommodations, the Classification Unit shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present operational management, security, and/or medical/mental health services problems. Placement and programming assignments for each Transgender or Intersex inmate shall be reassessed at least monthly to review any threats to the inmate's safety. Transgender and Intersex inmates shall be given the opportunity to shower separately from other inmates.

The Snohomish County Sheriff's Office - Corrections Bureau shall not place lesbian, gay, bisexual, transgender, or intersex ("LGBTI") inmates in dedicated facilities, housing units, or cells solely on the basis of such identification or status, unless such placement is in a dedicated facility, housing unit, or cell established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates. (115.42)

3. **Involuntary Segregation Housing/Protective Custody for "High-Risk" Inmates** – The Snohomish County Sheriff's Office - Corrections Bureau shall not place inmates who have been classified as high risk for sexual victimization in an involuntary segregation housing cell unless an assessment of all available alternatives has been made prior to doing so, and, it is determined that there is no other available alternative means of separation from likely abusers. If such an assessment cannot be conducted immediately, the inmate may be held in involuntary segregation housing not to exceed a 24 hour period until such an assessment can be completed. Further, the Snohomish County Sheriff's Office - Corrections Bureau shall assign such inmates to involuntary segregation housing only until an alternative means of separation from likely abusers can be arranged, and this shall not ordinarily exceed a 30-day period. (115.43)

Inmates who are placed in involuntary segregation housing for protective custody under this section shall have access to programs, privileges, education, and work opportunities to the extent possible.

The Snohomish County Sheriff's Office - Corrections Bureau shall adequately, clearly, and completely document the following facts if/when an inmate is assigned to an involuntary segregation housing cell for the sole purpose of protective custody:

- a) The basis for the Bureau's concern for the inmate's safety
 - b) The reason why no alternative means of separation could be arranged
 - c) The reason why/if the 30-day involuntary segregation housing period is required to be extended
 - d) Any **restriction** and/or limitations of access to programs, privileges, education, or work opportunities have been imposed
 - e) The **duration** of the restrictions/limitations to programs, privileges, education, or work opportunities
 - f) The **reason** for any restrictions/limitations to programs, privileges, education, or work opportunities
4. **Housing of Juvenile Inmates** – The Snohomish County Sheriff's Office - Corrections Bureau does not normally house persons under 18 years of age in its facilities. (115.14)
- a) Juveniles being adjudicated in adult court are housed at the Denny Youth Center under mutual agreement.
 - b) In some circumstances, when a juvenile inmate becomes a management problem at Denny Youth Center, he/she may be transferred to the custody and housing of the Snohomish County Sheriff's Office – Corrections Bureau.

If juveniles must be housed in a Snohomish County Sheriff's Office - Corrections Bureau facility as described in 4.b, it is subject to the following conditions:

- a) Juvenile inmates shall not be placed in a housing unit in which the inmate will have sight, sound, or physical contact with any adult inmate through the use of a shared dayroom or other common space, shower area, or sleeping quarters. Staff shall maintain sight and sound separation between juvenile inmates and adult inmates in areas outside of the housing units. Staff will maintain and provide direct supervision if/when these inmate classifications have sight, sound, or physical contact of each other.
- b) Every effort will be made to avoid isolation housing for juvenile inmates. They are to receive daily recreation, exercise time, and any legally required education services. Juvenile inmates shall have access to other programs and work opportunities to the extent possible.

VI. **INMATE INFORMATION**

1. **Inmate PREA Education / Information / Reporting**

- a) **Equal Opportunity** - The Snohomish County Sheriff's Office will make every effort to inform, educate and assist all inmates to participate and understand the "Zero Tolerance" policy and methods of reporting. (115.16)

Written materials shall include a Spanish interpretation. For languages other than Spanish, staff shall use an interpreter from the AT&T language line to communicate

the Snohomish County Sheriff's Office "Zero Tolerance" policy. Staff shall personally explain the "Zero Tolerance" policy to inmate's who cannot read, have low reading skills, or who have cognitive or developmental disabilities. The Snohomish County Sheriff's Office shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties, or the investigation of the inmate's allegations.

The Snohomish County Sheriff's Office shall also assist and ensure that the "Zero Tolerance" policy and reporting methods of sexual abuse are communicated to those inmates who are hearing impaired, have physical or other mental disabilities, to include intellectual, psychiatric, or speech disabilities. "Large-print" versions will be available to help ensure effective communications for inmates with visual disabilities.

- b) **Inmate Education** – The Snohomish County Sheriff's Office - Corrections Bureau shall inform and educate all inmates on the "Zero Tolerance" policy regarding sexual abuse and sexual harassment, and how to report incidents or suspicions of sexual abuse or sexual harassment while incarcerated in its facilities. (115.33)
- i. Such education material shall consist of distributing a copy of the "Inmate Handbook" which contains the "Zero Tolerance" policy and reporting information during the initial Booking intake process.
 - ii. A further comprehensive and in-depth education instruction session shall be conducted within 30 days of intake. This may be accomplished through an educational video specifically addressing PREA rules and regulations or by staff personally meeting with the inmate for instruction. All inmates completing PREA education shall acknowledge their understanding of the "Zero Tolerance" PREA rules and regulations. The Snohomish County Corrections Bureau shall maintain documentation of inmate attendance.
 - iii. Other informational material such as posters and/or handouts shall be accessible and visible to inmates throughout the facility.
 - iv. Inmates shall receive education upon their transfer to a different facility operated by the Snohomish County Sheriff's Office – Corrections Bureau, to the extent that the new facility's policies and procedures differ from those of the originating facility.
- c) **Inmate Reporting to Jail Staff, public/private agencies, or consular officials** (115.51)
- Inmates may make reports of sexual abuse, sexual harassment, retaliation by other inmates or staff members, and/or staff neglect or violation of staff responsibilities that may have contributed to sexual abuse or harassment, either verbally or in writing; privately or anonymously, to any staff person. Written reports may be submitted in the form of a KITE, grievance, personal letter, or by a third-party notification. Staff are required to accept all such reports from an inmate or third-party without hesitation, delay, or question, and promptly forward them on to a Supervisor. The Supervisor(s) is to immediately begin the mandated review,

referral, and investigative process as outlined on the Snohomish County Corrections Bureau "PREA Checklist".

The Snohomish County Corrections Bureau shall have at least one (1) method for inmates to report sexual abuse or sexual harassment to a public or private outside agency. It shall be the responsibility of the outside agency to immediately refer and/or report any allegations of inmate sexual abuse and/or sexual harassment which it receives to the highest ranking staff person at the Snohomish County Sheriff's Office - Correction Bureau on duty at the time the report is forwarded.

The Snohomish County Corrections Bureau does not typically detain inmates solely for civil immigration purposes, but in the rare event this occurs, the inmate shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security to report sexual abuse.

d) Inmate access to outside confidential support services (115.53)

The Snohomish County Corrections Bureau shall make contact information for outside agencies and/or victim advocate services that provide emotional and/or psychological support for victims of sexual assault available to inmates. These may include local, State, or national victim advocacy or rape crisis organizations.

The Snohomish County Corrections Bureau shall enable reasonable communication between inmates and these organization and agencies in as confidential a manner as possible. The Snohomish County Corrections Bureau shall inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

e) Inmate access to medical/mental health services (115.65)

The Snohomish County Corrections Bureau shall make available to inmate victims of sexual abuse, immediate on-site medical/mental health care to the capacity to which the facility is able to administer such care. Additionally, in the event that outside medical/mental health services are required, the Snohomish County Corrections Bureau shall inform the receiving facility or service provider(s) of the incident unless otherwise requested by the inmate to restrict the release of information and their protection of privacy. Further, the Snohomish County Corrections Bureau will coordinate transport and accompany the victim to the outside treating facility.

2. Protection from imminent sexual abuse and retaliation (115.62) & (115.67)

If/when the Snohomish County Corrections Bureau learns or receives information that an inmate faces substantial risk of imminent sexual abuse, the Bureau shall take immediate action to protect the inmate from victimization. Further, any inmate that reports sexual abuse or sexual harassment, or, who cooperates with any such relative investigation(s), or, who fear retaliation, shall be protected from such unwarranted and prohibited behavior. The Snohomish County Corrections Bureau shall implement various protective measures that include but are not limited or restricted to:

- a) Direct monitoring of the victim by Corrections staff for unusual or abnormal behavior
- b) Housing reassignment or transfers for the victim
- c) Removal of alleged staff or inmate abusers from contact with the victim
- d) Referral for emotional/psychological support to the victim
- e) Immediately request an investigation of the allegation of sexual abuse

The protective measures will remain in effect until all signs of danger or fear is removed for the inmate at risk.

For at least 90 days following a report of sexual abuse, the Snohomish County Corrections Bureau shall monitor the conduct and treatment of inmate(s) who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and the Snohomish County Corrections Bureau shall act promptly to remedy any such retaliation.

The monitoring shall terminate if/when an investigation determines that the allegation is unfounded.

3. Notification of investigative findings (115.73)

The Snohomish County Corrections Bureau shall inform the inmate victim of the investigative findings as to whether the allegation of sexual abuse has been determined to be substantiated, unsubstantiated, or unfounded. If/when an outside agency from the Snohomish County Corrections Bureau conducts and completes the investigation, the Snohomish County Corrections Bureau shall request the relevant information of the investigation to inform the inmate of its findings.

When an allegation of sexual abuse is made by an inmate involving a staff member, (unless the Corrections Bureau has determined that the allegation is unfounded), the inmate shall be notified whenever:

- a) The staff member is no longer posted within the inmate's unit.
- b) The staff member is no longer employed by the Snohomish County Corrections Bureau.
- c) The Snohomish County Sheriff's Office learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
- d) The Snohomish County Sheriff's Office learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

When an allegation of sexual abuse is made by an inmate by another inmate, the Snohomish County Corrections Bureau shall subsequently inform the alleged inmate victim whenever:

- a) The Snohomish County Sheriff's Office learns that the alleged abuser has been indicted on a charge related to sexual abuse within its facilities; or
- b) The Snohomish County Sheriff's Office learns that the alleged abuser has been convicted on a charge related to sexual abuse within its facilities.

The Snohomish County Corrections Bureau shall document all such notifications or attempted notifications.

This notification requirement shall terminate if the inmate victim is released from the Snohomish County Corrections Bureau's custody.

4. **Grievances** – Any grievance submitted by an inmate alleging sexual abuse or imminent risk of sexual abuse shall immediately be withdrawn from the routine Snohomish County Corrections Bureau inmate grievance process. Rather, these grievances will be considered a **complaint** of sexual abuse and not subject to any of the rules, procedures, or timelines regarding routine inmate grievances. All staff receiving such grievances alleging sexual abuse shall immediately direct them to a Supervisor. The Supervisor shall immediately initiate the appropriate sexual abuse response. (Refer to Section VIII.1) (115.52)
5. **Inmate Discipline (115.78; 115.52)**
 - a) Inmates who violate sexual abuse and sexual conduct rules shall be subject to disciplinary sanctions up to and including loss of good time and imposed segregation time, pursuant to a properly conducted administrative discipline hearing.
 - b) Inmates who file frivolous or "bad faith" allegations of sexual abuse shall be subject to the inmate disciplinary process and/or referral to law enforcement for criminal charges.
 - c) Sanctions shall be commensurate with the nature and circumstances of the abuse committed.
 - d) Prior to imposing discipline, the hearing officers shall consider if mental illness or mental disabilities contributed to his/her behavior.
 - e) Inmates will not be disciplined for sexual contact with staff unless it is determined that the staff person did not consent.

VII. CROSS-GENDER VIEWING – (115.15)

For purposes of this policy, it is important to understand what is meant by the reference of "Cross-Gender". The overall common dictionary definition for "gender" is described as, "*the male or female sex, or the state of being either male or female*", n. (Ref. Cambridge Academic Content Dictionary); and/or, 1) "*The sex of an individual, male or female, based on reproductive anatomy*", 2) "*Sexual identity, especially in relation to society or culture*", n. (Ref. The American Heritage® Medical Dictionary © 2007). Therefore, it is the expectation and intent for the purposes of determining, viewing, and performing body searches of an inmate to conduct and complete them with the above understanding of the common definition for gender identification and provide their right to receive nondiscriminatory treatment under the 5th and 14th Amendments under the U.S. Constitution which entitles the individual their limited rights to freedom of religion, expression, and association while incarcerated.

Determining Genital Identify/Status – Gender identity is a person's internal, deeply felt sense of being male or female, distinct from his or her sexual orientation. Everyone has a gender identity and, for many, their gender identity is consistent with their assigned sex at birth and their physical anatomy. However, a person may have self-identified with a different sex from his/her assigned sex at birth and thus can be classified as "transgender" or "transsexual". The

Snohomish County Sheriff's Office-Corrections Bureau will take into account an inmates' self-gender identity, self-gender expression, and self-gender non-conforming attributes in determining safe and professional care as well as medical/mental health services during their incarceration.

1. **Cross-Gender Viewing** – Respecting inmate privacy is a top priority for the Snohomish County Sheriff's Office. Therefore, the Snohomish County Sheriff's Office places limits on viewing and searching of inmates by opposite gender staff.
2. **Supervision**
 - a) Staff shall not observe inmates of the opposite gender who are showering, performing bodily functions, changing clothing, or otherwise exposing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine security checks, medical examinations, or necessary to perform other lawful duties.
 - b) Staff shall announce their presence when entering cells, dormitories or other sleeping quarters of opposite gender inmates.
3. **Searches**
 - a) **Pat Search** – The systematic and thorough act of running hands over a person's body and clothing for the purpose of detecting and retrieving contraband.
 - i. Male staff may pat search male inmates only; female staff may pat search either gender. In cases of exigent circumstances where a male staff is required to pat search a female inmate the staff person shall obtain supervisory permission prior to conducting the pat search and shall document his actions in an incident report.
 - ii. All Deputies shall be trained in the act of conducting cross-gender pat searches and pat searches of Transgender and Intersex inmates. The training shall focus on conducting the pat search in a respectful and least intrusive manner while still ensuring safety and security requirements.
 - b) **Strip Search** – Requiring a person to remove or arrange some or all of their clothing as to permit an inspection of the genitals, buttocks, anus, or undergarments of a person, and breasts of a female person for the purpose of detecting and retrieving contraband.
 - i. The Snohomish County Sheriff's Office shall not search or physically examine a Transgender or Intersex inmate for the sole purpose of determining the inmate's genital status.
 - ii. Strip searches shall be conducted by staff of the same gender as the inmate being strip searched. In cases of exigent circumstances where an opposite gender staff is required to strip search an inmate, the staff person shall obtain supervisory permission prior to conducting the strip search and shall document his/her actions in an incident report.
 - iii. Strip searches shall always be conducted by two (2) staff persons. The two persons shall be situated in a manner where only one directly observes the inmate and the other staff person directly observes the first staff person who is

observing the inmate. The staff person not directly viewing the inmate may be of the opposite gender of the inmate.

- c) **Body Cavity Search** – The touching or probing of a person’s body cavity for the purpose of detecting or retrieving contraband, whether or not there is actual penetration of the body cavity.
 - i. The Snohomish County Sheriff’s Office does not conduct body cavity searches in its facilities.
 - ii. Body cavity searches will only be performed subsequent to a valid search warrant.
 - iii. In the event of an obtained body cavity search warrant, the inmate shall be transported to a medical facility where qualified medical staff will conduct the search.

VIII. REPORTING, RESPONSIBILITIES

- 1. **Employees/staff are to accept all reports from inmates and report all incidents of sexual abuse/harassment, retaliation, or neglect of responsibilities to detect, prevent, or report sexual abuse. (115.61)**

Employees - All employees, staff, volunteer(s), and/or contract services personnel shall report all allegations and/or incidents of sexual abuse, harassment, misconduct, discrimination and/or retaliation to a Supervisor immediately upon receiving such knowledge. Reports shall be made to a Supervisor regarding any neglect or violation of responsibilities on the part of any Bureau employee that may have contributed to a sexual abuse incident or retaliation against those who have reported such incidents.

Staff is required to accept all such reports from inmates and/or the public when informed of such incidents through any of the following means:

- a) Written Reports
- b) Verbal Reports
- c) Anonymous Reports
- d) Telephone call / Voicemail message
- e) SCSO / Corrections Bureau jail web-site
- f) Third-party reporting
- g) E-mail

Supervisors – Supervisors shall initiate and complete the Snohomish County Sheriff’s Office – Corrections Bureau “PREA Checklist” on all allegations and/or incidents of sexual abuse, harassment, misconduct, discrimination and/or retaliation, which includes notification to upper-level management and the Bureau Chief. (115.71) This includes third-party and anonymous reports received.

Upon receipt of an allegation of sexual abuse of an inmate while confined at another facility, the Supervisor shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but in no case later than 72 hours after receiving the allegation. The Supervisor shall document such notification on the Snohomish County Corrections Bureau "PREA Checklist". (115.63).

Upon transfer the PREA Coordinator shall inform the receiving facility of an incident for an alleged inmate victim and the inmate's potential need for medical or social services, unless the inmate requests otherwise. (115.65)

Incidents of sexual abuse and/or harassment on inmates classified as a "vulnerable adult" (RCW 74.34.020(17)) shall be reported to the Department of Social and Health Services – Adult Protective Services (DSHS) under applicable mandatory reporting laws by the PREA Coordinator. (115.61(d))

2. Privacy in Reporting (115.51)

- a) Supervisors shall ensure that staff is allowed to privately report any information about sexual abuse or sexual harassment.
- b) Employees, staff, volunteer's, and contract services personnel are encouraged to privately report any self-victimization incidents of sexual assault by inmates to their immediate Supervisor.
- c) If the allegation is against a Supervisor or Manager, the report will be made to the next level supervisor or manager in the Corrections Bureau chain-of-command or EEO Officer.

3. Confidentiality of Information (115.61)

Apart from reporting to designated Supervisors/Managers, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in this policy, to make treatment, investigation, and other security and management decisions. Transfer of victim medical or mental health information to any outside agency provided via electronic format, shall be compliant with the Health Insurance Portability and Accountability Act (HIPAA) rules.

4. "First Responder" responsibilities (115.64)

Upon learning of a report of sexual abuse or sexual assault, the first detention staff member to respond shall:

- a) Separate the victim and abuser.
- b) Establish a "crime scene" to preserve and protect any evidence. Identify and secure any/all witness(es) until steps can be taken to collect any evidence.
- c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, showering, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

- d) If the abuse occurred within a time period that still allows for the collection of physical evidence, **ensure** that the **alleged abuser** does not take any actions that could destroy physical evidence, including, as appropriate, washing, showering, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
- e) If the “First Responder” is not a detention staff member, the responder shall request that the alleged victim not take any actions that could destroy physical evidence, and then notify a Supervisor/Manager.
- f) Determine whether immediate medical care/ mental health professional services are required and contact the appropriate staff for response and attention.

5. Staff protection from retaliation (115.67)

The Snohomish County Sheriff’s Office shall ensure to the best of its ability, that all employees, staff members, volunteer’s, and contract services personnel shall be protected from retaliation by other person(s) as a result of their reporting incidents of sexual abuse, harassment, misconduct, neglect of duties, and/or discrimination, or, cooperating with a criminal and/or internal administrative investigation by:

- a) Monitoring signs or activity of retaliation.
- b) Protection measures to include: 1) inmate housing changes, 2) transfers, 3) staff re-assignment, 4) removal of abuser contact with victims, 5) emotional support services.
- c) Monitoring conduct and treatment of such staff who reported an incident for at least 90 days following a report of sexual abuse. Monitoring shall continue beyond 90 days if the initial monitoring indicates a continue need. Likewise, monitoring shall discontinue and terminate if the determination is made that the allegation is unfounded.

IX. MEDICAL/MENTAL HEALTH PROFESSIONAL (MHP) SERVICES

1. Specialized Medical/MHP services training (115.35)

In addition to the standard PREA training requirement for all employees, staff members, volunteers, and/or contract services employee’s as stated in Section IV.2, all Medical and Mental Health Professionals (MHPs) working for the Snohomish County Sheriff’s Office – Corrections Bureau shall receive additional PREA training specific to the administration of medical/mental health professional services to victims. Likewise, each person receiving such training must sign a PREA training “Acknowledgement of Completion and Understanding” form as documentation that they have received and understand the information. The additional training for Medical and Mental Health Professionals shall include:

- a) How to detect and assess signs of sexual abuse and sexual harassment.
- b) How to preserve physical evidence of sexual abuse.
- c) How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
- d) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

The Snohomish County Sheriff’s Office – Corrections Bureau does not conduct forensic examinations. Forensic examinations will be conducted by (a) qualified Sexual Assault

Nurse Examiner (SANE), of Sexual Assault Forensic Examiner (SAFE), at a medical facility determined by investigating law enforcement. The Snohomish County Corrections Bureau medical staff is limited to providing emergent medical and/or mental health care in the event of a sexual assault.

2. Medical/MHPs to report all incidents of PREA victimization (115.61)

In addition to the standard PREA incident reporting of inmate victimization as stated in Section IV.3 and Section VIII, and unless otherwise precluded by Federal, State, or local laws, all medical and mental health professionals shall be required to report sexual abuse. The inmate victim of sexual abuse shall be informed at the initiation of any/all medical and/or mental health professional services being administered, of the practitioner's duty to report, and the limitations of confidentiality regarding the release of medical/mental health information. Any medical/mental health professional receiving a report or having knowledge of an incident of sexual abuse, shall limit related information to the treating medical/ mental health professional staff and those persons conducting an investigation, administering and monitoring security measures, and response to official administrative inquiries by a Supervisor and/or upper-level management staff.

3. Medical/MHPs response of prior PREA victimization (115.81)

- a) If the intake screening process pursuant to Section V.1 indicates that an inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical/mental health professional within fourteen (14) days of the intake screening.
- b) Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health professionals and other staff, as necessary, to inform treatment plans and security and management decisions, including: housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.
- c) Medical and mental health professionals shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institution setting, unless the inmate is under the age of 18.

4. Inmate access to victim treatment services (115.82)

- a) Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health professionals according to their professional judgment.
- b) In the event that there are no qualified medical or mental health professionals on duty at the time a report of sexual abuse is made, the detention staff "First Responders" shall take preliminary steps to protect the victim pursuant to Section VI.2 and shall immediately (24/7) notify the Health Services Administrator and appropriate medical and mental health professionals.

- c) Inmate victims of sexual abuse that occurred while incarcerated shall be offered timely information about access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. The Snohomish County Corrections Bureau medical/mental health professional staff shall provide urgent care to victims as needed prior to their transport to an outside medical facility.
- d) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

5. Ongoing medical/mental health treatment services (115.83)

- a) The Snohomish County Sheriff's Office – Corrections Bureau shall offer ongoing medical care and/or mental health professional services to inmates who it learns have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. The medical care and/or mental health professional services shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody. The Snohomish County Corrections Bureau shall offer and provide such victims with medical care and mental health professional services consistent with the community level of care. This ongoing care terminates upon release from the Snohomish County Corrections Bureau custody.
- b) Female inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. If pregnancy results from the sexual abuse incident, such victims shall receive timely and comprehensive information about access to all lawful pregnancy-related medical services.
- c) All inmate victims of sexual abuse while incarcerated shall be offered the opportunity to be tested for sexually transmitted infections as medically appropriate.
- d) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

X. INVESTIGATIONS

1. Specialized Investigative training, including external investigators (115.34)

In addition to the standard PREA training requirement for all employees, staff members, volunteers, and/or contract services employee's as stated in Section IV.2, the Snohomish County Sheriff's Office shall ensure that persons who conduct investigations into allegations of sexual abuse, shall receive specialized training specific to conducting such investigations in a confinement setting. The investigative specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. Further, in addition to signing the standard PREA training "Acknowledgement of Completion and

Understanding” form, staff that receives and completes the required specialized training for conducting sexual abuse investigations, shall have this documented and retained as part of their training record.

2. Refer all allegations to Investigations (115.22)

- a) The Snohomish County Sheriff’s Office shall ensure that all allegations of sexual abuse, sexual harassment, and/or staff misconduct are referred for immediate administrative and/or criminal investigation immediately upon receipt of knowledge of an incident. Investigations shall be conducted by the Snohomish County Sheriff’s Office – Special Investigations Unit (S.I.U.) who has the legal authority and professional expertise to conduct these types of investigations.
- b) The criminal and administrative investigative processes shall be posted on the Snohomish County Sheriff’s Office website, as well as the Corrections Bureau website. Published informational content shall include:
 - How to report sexual abuse, sexual harassment, and/or staff misconduct on behalf of an inmate.
 - The protocol describing the responsibilities of the Snohomish County Sheriff’s Office and any other agency that will be responsible for conducting criminal and/or administrative investigations of allegations of sexual abuse, sexual harassment, and/or staff misconduct.

3. Handling of criminal and administrative incident investigations (115.71)

When the Snohomish County Sheriff’s Office conducts investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. Where sexual abuse is alleged, the investigator(s) shall have received the standard PREA training as well as the specialized training required per this PREA Policy Section, X.1.

At a minimum, the investigator(s) shall be responsible to:

- a) Gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data.
- b) Interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports (if any), of sexual abuse involving the suspected perpetrator.
- c) When the quality of evidence appears to support criminal prosecution, the investigator(s) shall conduct compelled interviews only **after** consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- d) The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis only, and shall not be determined by the person’s status as inmate, or, as a staff member of the Snohomish County Sheriff’s Office.
- e) Shall not require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with an investigation of such an allegation.
- f) Determine whether staff actions (including misconduct), or failures to act contributed to the abuse.

- g) Refer any/all substantiated allegations of sexual abuse, sexual harassment, or staff misconduct that appears to be criminal for prosecution.
- h) Continue and not terminate an investigation of alleged sexual abuse even when the alleged abuser or victim has been released from custody, or, terminated active employment with the Snohomish County Sheriff's Office.

All written reports, physical, testimonial, and/or documentary evidence, credibility assessments, electronic monitoring data, DNA, and investigative facts and findings shall be thoroughly documented during the investigative process to adequately support the final outcome of the investigation, whether or not a referral for criminal prosecution is recommended or filed.

All completed administrative investigations shall be forwarded to the Bureau Chief. The Bureau Chief shall review the investigation and determine whether any allegation(s) of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence.

4. Preponderance of evidence (115.72)

For administrative investigations, the Snohomish County Sheriff's Office shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

5. Investigations of incidents received from outside agencies/facilities (115.63)

In the event that the Snohomish County Sheriff's Office receives or has knowledge of an allegation that an inmate was sexually abused while confined at another facility, it shall be the responsibility of the PREA Coordinator to notify the head of the facility or appropriate office of the agency where the alleged abuse occurred. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving or learning of the allegation. The PREA Coordinator shall document that it has provided such notification and that the receiving facility head has acknowledged its responsibility to investigate the allegation.

6. Notifying inmates of investigative findings (115.73)

The Snohomish County Corrections Bureau shall inform the inmate of the investigative findings as to whether the allegation of sexual abuse has been determined to be substantiated, unsubstantiated, or unfounded.

When an allegation of sexual abuse is made by an inmate involving a staff member, (unless the Snohomish County Sheriff's Office – S.I.U. has determined that the allegation is unfounded), the inmate shall be notified whenever:

- a) The staff member is no longer posted within the inmate's unit.
- b) The staff member is no longer employed at the jail.
- c) The Snohomish County Sheriff's Office learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
- c) The Snohomish County Sheriff's Office learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

When an allegation of sexual abuse is made by an inmate by another inmate, the Snohomish County Sheriff's Office - Corrections Bureau shall subsequently inform and document all such notifications or attempted notifications to the alleged victim, whenever:

- a) The Snohomish County Sheriff's Office learns that the alleged abuser has been indicted on a charge related to sexual abuse within the jail; or
- b) The Snohomish County Sheriff's Office learns that the alleged abuser has been convicted on a charge related to sexual abuse within the jail.

This notification requirement shall terminate if the inmate victim is released from the Snohomish County Corrections Bureau's custody.

XI. STAFF DISCIPLINE

1. Disciplinary actions for all staff (115.76)

Staff shall be subject to disciplinary sanctions up to and including termination for violating this policy. All discipline shall be commensurate with the nature and circumstances of the acts committed, the employee's disciplinary history, and the sanctions imposed for comparable offenses by other members with similar histories. Termination shall be the presumptive disciplinary sanction for all Snohomish County Sheriff's Office employees who have engaged in sexual abuse

All employees terminated for sexual abuse, or who resign from employment with the Snohomish County Sheriff's Office, who would have been terminated if not for their resignation, shall be subject to criminal investigation unless the activity was clearly not criminal. In addition, reports will be made to any relevant licensing body.

2. Corrective action for contractors/volunteers (115.77)

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies unless the activity was clearly not criminal. In addition to internal and criminal actions, reports will be made to any relevant licensing bodies. The Snohomish County Sheriff's Office shall take appropriate remedial measures and shall consider whether to prohibit further contact with inmates, termination of services and/or contracts, subsequent to a sustained finding after an allegation of sexual abuse.

XII. RECORDS / DATA COLLECTION AND REVIEW (Possibly move to Section VI.6)

1. Data Collections and Review (115.87)

The Snohomish County Sheriff's Office shall collect data on all incidents of sexual abuse occurring in its facilities and conduct an annual review of the data. The purpose of the review is to assess and improve the effectiveness of sexual abuse prevention, detection, response policies, practices, and training. At a minimum, the data collected and reviewed shall be that necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice. The review shall include data from incident-based documents, including reports, investigation files and sexual abuse incident reviews, and any other documentation such as electronic video monitoring recordings.

The PREA Coordinator shall prepare an annual report that identifies problem areas and whether any immediate corrective action or has been implemented. The annual report shall note the overall findings and corrective actions for each facility specifically under the jurisdiction of the Snohomish County Sheriff's Office, as well as the entity as a whole. The annual report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the progress in addressing sexual abuse.

2. Availability of Aggregated Data (115.88)

The annual incident review report shall be submitted to and approved by the Sheriff and made available for public review through the Snohomish County Corrections Bureau website or upon request from individuals, agencies, or the Department of Justice. Personal identifying content may be redacted from the reports when publication would present a clear and specific threat to the safety and security of any Snohomish County Sheriff's Office facility or its employees. The nature of the redacted content shall be indicated.

3. Data Retention/Destruction (115.89)

The Snohomish County Sheriff's Office shall ensure that data collected pursuant to Section XII.1 are securely retained and maintained for at least 10 years after the date of the initial collection unless otherwise mandated by the Washington State Records Retention Schedule, or adherence to which other Federal or local laws mandate retention/destruction requirements.

The Snohomish County Sheriff's Office shall ensure that the destruction of data collected pursuant to Section XII.1 meet the required retention rules and regulations before they are completely and officially destroyed by the department responsible for this activity within Snohomish County and/or for whom the Snohomish County Sheriff's Office has contracted such an agreement for these services.